

PATENT COOPERATION TREATY

PCT

REC'D 12 SEP 2005

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

WIPO PCT

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference L0632.70016 | FOR FURTHER ACTION | | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |
| International application No. PCT/US04/12110 | International filing date (day/month/year) 20 April 2004 (20.04.2004) | Priority date (day/month/year) 23 April 2003 (23.04.2003) | |
| International Patent Classification (IPC) or national classification and IPC IPC(7): G01N 23/04 and US Cl.: 378/57 | | | |
| Applicant COMMUNICATIONS SECURITY AND DETECTION SYSTEMS CORP | | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

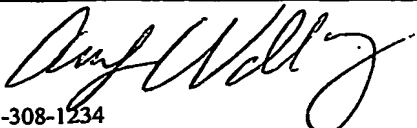
2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of ___ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

| | |
|--|--|
| Date of submission of the demand 09 May 2005 (09.05.2005) | Date of completion of this report 06 July 2005 (06.07.2005) |
| Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230 | Authorized officer Craig E. Church  Telephone No. 703-308-1234 |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US04/12110

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☒ the description:
 - pages 1-26 as originally filed
 - pages NONE, filed with the demand
 - pages NONE, filed with the letter of _____.
- ☒ the claims:
 - pages 27-39 as originally filed
 - pages NONE, as amended (together with any statement) under Article 19
 - pages NONE, filed with the demand
 - pages NONE, filed with the letter of _____.
- ☒ the drawings:
 - pages 1-10 as originally filed
 - pages NONE, filed with the demand
 - pages NONE, filed with the letter of _____.
- ☐ the sequence listing part of the description:
 - pages NONE, as originally filed
 - pages NONE, filed with the demand
 - pages NONE, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig. _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US04/12110**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

| | | |
|-------------------------------|--------------------|-----|
| Novelty (N) | Claims <u>1-84</u> | YES |
| | Claims <u>NONE</u> | NO |
| Inventive Step (IS) | Claims <u>NONE</u> | YES |
| | Claims <u>1-84</u> | NO |
| Industrial Applicability (IA) | Claims <u>1-84</u> | YES |
| | Claims <u>NONE</u> | NO |

2. CITATIONS AND EXPLANATIONS

Claims 1-84 lack Inventive Step set out under PCT article 33(3) as being unpatentable over Krug in view of Stein 199. Krug teaches an x-ray system for threat inspection of baggage comprising x-ray source 40, conveyor 20, detectors 60/80/100, and a computer (figure 7). Lines 29-33 and 50-53 of column 16 explain that data processing may include pulse height analysis. Lines 43-56 of column 7 of Stein 199 detail operation of a pulse height analyzer, and it would have been obvious to operate the Krug analyzer in this manner.

Claims 1-84 lack Inventive Step set out under PCT article 33(3) as being unpatentable over Stein 002 in view of Stein 199. Stein 002 teaches an x-ray baggage inspection system comprising x-ray source 14, conveyor 27, detector 25 and computer 13. Figure 1c illustrates that data processing may include pulse height analysis. Lines 43-56 of column 7 of Stein 199 detail operation of a pulse height analyzer, and it would have been obvious to operate the Stein 002 analyzer in this manner.